Law Office of Jack Silver

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Via Certified Mail –
Return Receipt Requested

May 10, 2019

Rod Bryan - Public Works Director
Dept. of Public Works
City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

Bruce Pope - City Manager
Members of City Council
City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

Brooke Boyer - Lead Plant Operator
Grade 4 Operator & Laboratory Director
City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act (Clean Water Act)

Dear Mr. Bryan, Mr. Pope, Mr. Boyer, and Members of City Council:

STATUTORY NOTICE

This Notice is provided on behalf of California River Watch ("River Watch") in regard to violations of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1251 *et seq.*, that River Watch alleges are occurring through the ownership and/or operation of the City of Mt. Shasta Wastewater Treatment Plant ("Facility") and associated sewer collection system.

River Watch hereby places the City of Mt. Shasta, as owner and operator of the Facility and associated sewer collection system (referred to in this Notice as the "Discharger"), on notice that following the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the Discharger for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), 33 U.S.C. § 1311(a), and the Regional Water Quality Control Board Central Valley Region ("RWQCB-Central Valley"),Water Quality Control Plan ("Basin Plan"), as the result of violations of the Discharger's National Pollution Discharge Elimination System ("NPDES") Permit.

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes a discharger, who has been issued a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in an NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition such that violation of a permit limit places a polluter in violation of the CWA. River Watch alleges the Discharger is in violation of the CWA by violating the terms of its NPDES permit.

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency ("EPA") to a state or to a regional regulatory agency provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (*see* 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board ("SWRCB") and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the Discharger's operations in the region at issue in this Notice is the RWQCB-Central Valley.

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute's permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce compliance by the Discharger with the CWA.

NOTICE REQUIREMENTS

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. The Specified Standard, Limitation, or Order Alleged to Have Been Violated

The order violated is RWQCB-Central Valley Order No. R5-2012-0086, NPDES CA00788051 superceded by Order No. R5-2017-0117, NPDES No. CA0078051, *Waste Discharge Requirements For The City of Mt. Shasta and U.S. Department of Agriculture, Forest Service, City of Mt. Shasta Wastewater Treatment Plant, Siskiyou County*. River Watch has identified specific violations of the Discharger's NPDES Permit including raw sewage discharges and failure by the Discharger to either comply with or provide evidence that it has complied with all the terms of its NPDES Permit.

2. The Activity Alleged to Constitute a Violation

River Watch contends that from May 01, 2014, to May 01, 2019, the Discharger has violated the Act as described in this Notice. River Watch contends these violations are continuing or have a likelihood of occurring in the future.

A. Sanitary Sewer Overflows, Inadequate Reporting, and Failure to Mitigate Impacts

i. Sanitary Sewer Overflows Occurrence

Sanitary Sewer Overflows ("SSOs"), in which untreated sewage is discharged above ground from the collection system prior to reaching the Facility are alleged to have occurred both on the dates identified in California Integrated Water Quality System ("CIWQS") Interactive Public SSO Reports and on the dates when no reports were filed by the Discharger, all in violation of the CWA.

The Discharger's aging sewer collection system has historically experienced high inflow and infiltration ("I/I") during wet weather. Structural defects which allow I/I into the sewer lines result in a buildup of pressure resulting in SSOs. Overflows caused by blockages and I/I result in the discharge of raw sewage into gutters, canals and storm drains which are connected to adjacent surface waters including Cold Creek, Lake Siskiyou, and the Sacramento River – all waters of the United States.

A review of the CIWQS Spill Public Report – Summary Page identifies the "Total Number of SSO locations" as **54**, with 2,890,762 "Total Vol. of SSOs (gal)." Of this total volume, the Discharger admits at least **2,886,804** gallons, or **99%** of the total, reached a surface water. Of the 2,890,762 gallons of sewage spilled, only 8,730 gallons were reported as being recovered. The remaining volume was discharged into the environment posing both a nuisance pursuant to California Water Code § 13050(m) and an imminent and substantial endangerment to public health and the environment.

A review of the CIWQS SSO Reporting Program Database specifically identifies 15 recent SSOs reported as having reached a water of the United States, identified by Event ID numbers 843480, 834740, 833771, 833435, 832688, 831614, 831715, 829993, 823851, 823849, 818815, 817394, 812250, 811380, and 810159. Included in the 15 reported SSOs are the following incidents:

> January 01, 2018 (Event ID# 843480) – an SSO estimated at 900 gallons occurred at a McCloud Avenue at South B Street (Coordinates 41.31224 -122.30846). The reported cause of the spill was root intrusion which impacted a gravity mainline. As a result all 900 gallons discharged into an "unnamed tributary of Lake Siskiyou."
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> January 02, 2017 (Event ID # 831715) – an SSO estimated at 2,690,000 gallons occurred at a sewer interceptor line (Coordinates 41.308268 -122.32127). As a result of a pipe structural failure, all 2,690,000 gallons discharged into Cold Creek and from there to Lake Siskiyou, a tributary of the Sacramento River. The spill was not discovered until January 11, 2017 and was finally contained the following day.
>
> January 08, 2017 (Event ID # 831614) – an SSO estimated at 88,030 gallons occurred at Alma Street Manhole # 425 (Coordinates 41.315056 -122.314766), as a result of flow exceeding capacity. According to the report, all 88,030 gallons reached Lake Siskiyou.

All of the above-identified discharges are violations of CWA § 301(a), 33 U.S.C. § 1311(a), as discharges of a pollutant (sewage) from a point source (sewer collection system) to a water of the United States without complying with any other sections of the Act. Further, these alleged discharges are

violations of the Discharger's NPDES Permit, which states in Section III. Discharge Prohibitions:

B. "The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Federal Standard Provisions I.G. and I.H. (Attachment D).

C. Neither the discharge nor its treatment shall create a nuisance as defined in section 13050 of the CWC.

D. The Discharger shall not allow pollutant-free wastewater to be discharged into the treatment or disposal system in amounts that significantly diminish the system's capability to comply with this Order. Pollutant-free wastewater means rainfall, groundwater, cooling waters, and condensates that are essentially free of pollutants. ...

F. The discharge of wastewater to the Sacramento River during the recreation season (15 June through 14 September) is prohibited."

River Watch contends these violations are continuing in nature or have a likelihood of occurring in the future.

ii. Inadequate Reporting of Discharges

a. Incomplete and Inaccurate SSO Reporting

Full and complete reporting of SSOs is essential to gauging their impact to public health and the environment. The Discharger's SSO Reports, which should reveal critical details about each of these SSOs, lack responses to specific questions that would identify the causes and the potential repairs ensuring these violations would not recur.

In addition, River Watch's expert believes many of the SSOs reported by the Discharger as partially reaching a surface water did so in greater volume than stated. River Watch's expert also believes that a careful reading of the time when the Discharger received notification of an SSO, the time of its response, and the time at which the SSO ended, too often appear as unlikely estimations. For example:

October 14, 2015 (Event ID #818815) – The spill start time and agency notification time are reported as 06:45. The operator arrival time is reported as 07:00, and the spill end time as 07:30. The total volume of the spill is reported as 950 gallons, of the total volume, 200 gallons are reported as having been contained, 200 gallons are also reported as having reached land, and 750 gallons are reported as having reached Lake Siskiyou.

April 05, 2016 (Event ID # 823849) – The spill start time is reported as 11:00, agency notification time as 12:00, operator arrival time as 12:45, and estimated spill end time as 01:30. Although the spill is reported as lasting two and a half hours, the total volume of the spill reported is only 10 gallons.

April 09, 2016 (Event ID # 823851) – The spill start time is reported as 09:00, agency notification time as 10:15, and operator arrival time as 10:20. The spill end time is reported as 11:00. The total volume of the spill reported is 50 gallons which discharged into an "unnamed tributary of Lake Siskiyou."

Given the unlikely accuracy of the times, intervals and spill volumes provided in these reports, it is difficult to consider the stated volumes as accurate. Without accurately reporting the spill start and end time, there is a danger that the duration and volume of a spill will be underestimated.

b. Failure to Warn

River Watch contends the Discharger is understating the significance of the impacts of its CWA violations by failing to post health warning signs for the following discharges reaching a surface water: Event ID# 829993, 823851, 823849, 818815, 817394, 812250, 811380, and 810159.

iii. Failure to Mitigate Impacts

River Watch contends the Discharger fails to adequately mitigate the impacts of SSOs. The Discharger is a permittee under the *Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements,* Order No. 2006-0003-DWQ ("Statewide WDR") governing the operation of sanitary sewer systems. The Statewide WDR requires the Discharger to take all feasible steps, and perform necessary remedial actions following the occurrence of an SSO, including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting and re-routing of wastewater flows, vacuum truck recovery of the SSO, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site.

A critical remedial measure is the performance of adequate sampling to determine the nature and the impact of the release. As the Discharger is underestimating SSOs which reach surface waters, River Watch contends the Discharger is not conducting sampling on most SSOs. The EPA's "*Report to Congress on the Impacts and Control of CSOs SSO*" (EPA, Office of Water (2004)) identifies SSOs as a major source of microbial pathogens and oxygen depleting substances. Numerous critical habitat areas exist within areas of the Discharger's SSOs. Neighboring waterways include sensitive areas for the California Salamander, Shasta Crayfish, Cascades frogs, and Gray wolf. There is no record of the Discharger performing any analysis of the impact of its SSOs on critical habitat of protected species under the ESA, nor any evaluation of the measures needed to restore waterbodies designated as critical habitat from the impacts of SSOs.

B. Collection System Subsurface Discharges

It is a well-established fact that exfiltration caused by pipeline cracks and other structural defects in a sewer collection system result in discharges to adjacent surface waters via underground hydrological connections. River Watch contends untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., in the Discharger's sewer collection system into groundwater hydrologically connected to surface waters including, but not limited to, tributaries of the Sacramento River such as Cold Creek

and Lake Siskiyou. Surface waters become contaminated with pollutants including human pathogens. Chronic failures in the collection system pose a substantial threat to public health.

Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines in other systems have verified the contamination of the adjacent waters with untreated sewage. Evidence of exfiltration can also be supported by reviewing mass balance data, I/I data, video inspection, as well as testing of waterways adjacent to sewer lines for nutrients, human pathogens and other human markers such as caffeine. Any exfiltration found is a violation of the Discharger's NPDES Permit and thus the CWA.

C. Violation of Effluent Limitations and Monitoring Requirements

A review of the Discharger's Self-Monitoring Reports ("SMRs") identifies the following violations of effluent limitations imposed under the Discharger's NPDES Permit:

25 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Ammonia Nitrogen, Total as (N) - Average Monthly is 4.6 mg/L.

(December 31, 2014) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057447

(January 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.6 mg/L at EFF-001.
Event ID# 1057450

(February 26, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.2 mg/L at EFF-001.
Event ID# 1057453

(March 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.6 mg/L at EFF-001.
Event ID# 1057460

(April 30, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 15.5 mg/L at EFF-001.
Event ID# 1057462

(December 31, 2015) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 14.4 mg/L at EFF-001.
Event ID# 1057463

(January 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.9 mg/L at EFF-001.
Event ID# 1057467

(February 29, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 8.84 mg/L at EFF-001.
Event ID# 1057469

(March 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 11.2 mg/L at EFF-001.
Event ID# 1057472

(April 30, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 10.1 mg/L at EFF-001.
Event ID# 1057474

(November 30, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057476

(December 31, 2016) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 13.8 mg/L at EFF-001.
Event ID# 1057478

(January 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 13.6 mg/L at EFF-001.
Event ID# 1057481

(February 28, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 10.9 mg/L at EFF-001.
Event ID# 1057483

(March 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 7.75 mg/L at EFF-001.
Event ID# 1057484

(April 30, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 9.49 mg/L at EFF-001.
Event ID# 1057486

(November 30, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 15.7 mg/L at EFF-001.
Event ID# 1057488

(December 31, 2017) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 14.9 mg/L at EFF-001.
Event ID# 1057490

(January 31, 2018) Ammonia, Total (as N) Monthly Average limit is 4.6 mg/L and reported value was 19.5 mg/L at EFF-001.
Event ID# 1057492

(November 30, 2018) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 17.1 mg/L at EFF-001.
Event ID# 1057417

(December 31, 2018) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 16.5 mg/L at EFF-001.
Event ID# 1057420

(January 31, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 18.5 mg/L at EFF-001.
Event ID# 1057424

(February 28, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 13.7 mg/L at EFF-001.
Event ID# 1057426

(March 07, 2019) Ammonia, Total (as N) Monthly Average limit is 5.7 mg/L and reported value was 8.66 mg/L at EFF-001.
Event ID# 1057615

(March 07, 2019) Ammonia, Total (as N) Weekly Average limit is 7.8 mg/L and reported value was 8.66 mg/L at EFF-001.
Event ID# 1057616

28 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Ammonia Nitrogen, Total as (N) - Maximum Daily is 8.4 mg/L.

(December 08, 2014) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057446

(January 05, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 11.3 mg/L at EFF-001.
Event ID# 1057448

(January 16, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.9 mg/L at EFF-001.
Event ID# 1057449

(February 03, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.6 mg/L at EFF-001.
Event ID# 1057451

(February 17, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 8.8 mg/L at EFF-001.
Event ID# 1057452

(March 03, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 9.96 mg/L at EFF-001.
Event ID# 1057455

(March 11, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 11 mg/L at EFF-001.
Event ID# 1057456

(March 13, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 12.1 mg/L at EFF-001.
Event ID# 1057457

(March 16, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 14.8 mg/L at EFF-001.
Event ID# 1057458

(March 23, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.2 mg/L at EFF-001.
Event ID# 1057459

(April 09, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.5 mg/L at EFF-001.
Event ID# 1057461

(December 28, 2015) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 14.4 mg/L at EFF-001.
Event ID# 1057464

(January 12, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.5 mg/L at EFF-001.
Event ID# 1057465

(January 26, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 10.3 mg/L at EFF-001.
Event ID# 1057466

(February 03, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 8.84 mg/L at EFF-001.
Event ID# 1057486

(March 04, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.6 mg/L at EFF-001.
Event ID# 1057470

(March 29, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 8.7 mg/L at EFF-001.
Event ID# 1057471

(April 07, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 10.1 mg/L at EFF-001.
Event ID# 1057473

(November 22, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 12.8 mg/L at EFF-001.
Event ID# 1057475

(December 05, 2016) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.8 mg/L at EFF-001.
Event ID# 1057477

(January 12, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.5 mg/L at EFF-001.
Event ID# 1057479

(January 17, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 13.6 mg/L at EFF-001.
Event ID# 1057480

(February 07, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 10.9 mg/L at EFF-001.
Event ID# 1057482

(April 13, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 9.49 mg/L at EFF-001.
Event ID# 1057485

(November 03, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 15.7 mg/L at EFF-001.
Event ID# 1057487

(December 01, 2017) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 8.4 mg/L and reported value was 14.9 mg/L at EFF-001.
Event ID# 1057489

(January 03, 2019) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 7.8 mg/L and reported value was 18.5 mg/L at EFF-001.
Event ID# 1057423

(February 11, 2019) Ammonia, Total (as N) Maximum Daily (MDEL) limit is 7.8 mg/L and reported value was 13. mg/L at EFF-001.
Event ID# 1057425

1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Settleable Solids - Average Monthly limit is 0.2 ml/L/hr.

(March 09, 2016) Settleable Solids Maximum Daily (MDEL) limit is 0.2 ml/L/hr and reported value was 0.8 ml/L/hr at EFF-001.
Event ID# 1015491

1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Settleable Solids - Average Monthly limit is 0.1 ml/L/hr.

(March 31, 2016) Settleable Solids Monthly Average limit is 0.1 ml/L/hr and reported value was 0.22 ml/L/hr at EFF-001.
Event ID# 1015492

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Average Monthly limit is 10 mg/L.

(August 31, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 10 mg/L and reported value was 13 mg/L at REC-001.
Event ID# 1015495

(November 30, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 30 mg/L and reported value was 35.0 mg/L at LND-001.
Event ID# 1035781

(December 31, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 30.0 mg/L and reported value was 35.0 mg/L at EFF-001.
Event ID# 1037541

9 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Average Weekly limit is 15 mg/L.

(August 07, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15 mg/L and reported value was 16.59 mg/L at REC-001.
Event ID# 1015493

(August 14, 2016) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15 mg/L and reported value was 16.53 mg/L at REC-001.
Event ID# 1015494

(January 06, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average (Mean) limit is 45 mg/L and reported value was 49.1 mg/L at EFF-001.
Event ID# 1039049

(January 13, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average (Mean) limit is 45 mg/L and reported value was 53.0 mg/L at EFF-001.
Event ID# 1039046

(August 29, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15 mg/L and reported value was 16.9 mg/L at REC-001.
Event ID# 1048653

(August 31, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average (Mean) limit is 10 mg/L and reported value was 11.6 mg/L at REC-001.
Event ID# 1050310

(September 21, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Weekly Average limit is 15.0 mg/L and reported value was 22 mg/L at REC-001.
Event ID# 1051111

(September 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 10 mg/L and reported value was 11.9 mg/L at REC-001.
Event ID# 1051110

(November 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 30 mg/L and reported value was 37.9 mg/L at EFF-001.
Event ID# 1054510

6 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Biochemical Oxygen Demand 5-day @ 20°C - Percent Removal limit shall not be less than 85%.

(February 28, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C, Percent Reduction limit is 85% and reported value was 83.75% at EFF-001.
Event ID# 1027018

(December 31, 2017) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 80% at EFF-001.
Event ID# 1037542

(January 31, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 65.25% at EFF-001.
Event ID# 1039044

(November 30, 2018) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C, Percent Reduction limit is 85% and reported value was 75% at EFF-001.
Event ID# 1054513

(January 31, 2019) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 81% at EFF-001.
Event ID# 1055731

(February 28, 2019) Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Percent Reduction limit is 85% and reported value was 74% at EFF-001.
Event ID# 1056860

1 violation - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Turbidity - Maximum Daily limit is 10 NTU.

(July 16, 2017) Turbidity Daily Maximum limit is 10 NTU and reported value was 22.5 NTU at REC-001.
Event ID# 1029475

6 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Total Suspended Solids - Average Monthly limit is 30 mg/L.

(November 30, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 41.9 mg/L at LND-001.
Event ID# 1035780

(November 30, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 32 mg/L at EFF-001.
Event ID# 1050302

(December 31, 2017) Total Suspended Solids (TSS) Monthly Average limit is 30.0 mg/L and reported value was 36.4 mg/L at EFF-001.
Event ID# 1037538

(January 31, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 37.75 mg/L at EFF-001.
Event ID# 1039047

(February 28, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 33.1 mg/L at LND-001.
Event ID# 1040153

(March 31, 2018) Total Suspended Solids (TSS) Monthly Average limit is 30 mg/L and reported value was 30.3 mg/L at LND-001.
Event ID# 1042325

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Total Suspended Solids - Average Weekly limit is 45 mg/L.

(November 01, 2017) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L and reported value was 45.5 mg/L at LND-001.
Event ID# 1035779

(November 08, 2017) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L and reported value was 47.5 mg/L at LND-001.
Event ID# 1035782

(February 28, 2018) Total Suspended Solids (TSS) Weekly Average limit is 45 mg/L and reported value was 57.5 mg/L at LND-001.
Event ID# 1040150

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 9.1 ug/L.

(November 30, 2017) Copper, Total Monthly Average limit is 9.1 mg/L and reported value was 19.9 mg/L at EFF-001.
Event ID# 1037600

(December 31, 2017) Copper, Total Monthly Average limit is 9.1 mg/L and reported value was 24.7 mg/L at EFF-001.
Event ID# 1037539

(January 31, 2018) Copper, Total Monthly Average limit is 9.1 ug/L and reported value was 40.40 ug/L at EFF-001.
Event ID# 1039048

5 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 4. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 10.0 ug/L.

(November 30, 2018) Copper, Total Monthly Average limit is 10 ug/L and reported value was 33.3 ug/L at EFF-001.
Event ID# 1054512

(December 06, 2018) Copper, Total Monthly Average limit is 10 ug/L and reported value was 33.9 ug/L at EFF-001.
Event ID# 1055203

(January 03, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value was 31.1 ug/L at EFF-001.
Event ID# 1055729

(February 11, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value was 28.1 ug/L at EFF-001.
Event ID# 1056862

(March 07, 2019) Copper, Total Monthly Average limit is 10 ug/L and reported value was 16.6 ug/L at EFF-001.
Event ID# 1057617

2 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Copper, Total Recoverable - Maximum Daily limit is 19.3 ug/L.

(December 01, 2017) Copper, Total Daily Maximum limit is 19.3 mg/L and reported value was 24.7 mg/L at EFF-001.
Event ID# 1037537

(January 05, 2018) Copper, Total Daily Maximum limit is 19.3 ug/L and reported value was 40.4 ug/L at EFF-001.
Event ID# 1039051

4 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 4. Effluent Limitations, Copper, Total Recoverable - Maximum Daily limit is 18.5 ug/L.

(November 28, 2018) Copper, Total Recoverable Daily Maximum limit is 18.5 ug/L and reported value was 33.3 ug/L at EFF-001.
Event ID# 1054511

(December 06, 2018) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value was 33.9 ug/L at EFF-001.
Event ID# 1055202

(January 31, 2019) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value was 31.1 ug/L at EFF-001.
Event ID# 1055730

(February 11, 2019) Copper, Total Daily Maximum limit is 18.5 ug/L and reported value was 028.1 ug/L at EFF-001.
Event ID# 1056861

3 violations - Order No. R5-2012-0086, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, Table 6. Effluent Limitations, Copper, Total Recoverable - Average Monthly limit is 12.9 ug/L.

(November 30, 2017) Zinc, Total Monthly Average limit is 12.9 mg/L and reported value was 17.4 mg/L at EFF-001.
Event ID# 1037602

(December 31, 2017) Zinc, Total Monthly Average limit is 12.9 mg/L and reported value was 13.4 mg/L at EFF-001.
Event ID# 1037540

(January 31, 2018) Zinc, Total Monthly Average limit is 12.9 ug/L and reported value was 25.4 ug/L at EFF-001.
Event ID# 1039050

1 violation - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed: iii. 240 MPN/100 mL, at any time.

(April 10, 2018) Total Coliform Instantaneous Maximum limit is 240 MPN/100 mL and reported value was 300 MPN/100 mL at LND-001.
Event ID# 1043527

10 violations - Order No. R5-2017-0117, IV. Effluent Limitations and Discharge Specifications, A. Effluent Limitations - Discharge Point No. 001, 1. Final Effluent Limitations, e. Total Coliform Organisms. Effluent total coliform organisms shall not exceed: i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median.

(April 10, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 11.5 MPN/100 mL at LND-001.
Event ID# 1043531

(April 13, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 150 MPN/100 mL at LND-001.
Event ID# 1043529

(April 16, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 13 MPN/100 mL at LND-001.
Event ID# 1043534

(April 17, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 11 MPN/100 mL at LND-001.
Event ID# 1043532

(April 24, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 23 MPN/100 mL at LND-001.
Event ID# 1043533

(April 26, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 11.5 MPN/100 mL at LND-001.
Event ID# 1043530

(November 19, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 6.5 MPN/100 mL at LND-001.
Event ID# 1054508

(November 20, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 8.5 MPN/100 mL at LND-001.
Event ID# 1054507

(November 22, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4 MPN/100 mL at LND-001.
Event ID# 1054506

(November 23, 2018) Total Coliform 7-Day Median limit is 2.2 MPN/100 mL and reported value was 3 MPN/100 mL at LND-001.
Event ID# 1054509

D. Violations of Receiving Water Limitations and Impacts to Beneficial Uses

The Sacramento River (Box Canyon Dam to Shasta Lake), and the underlying groundwater have numerous beneficial uses as set forth in the RWQCB-Central Valley Basin Plan. SSOs reaching these waters cause prohibited pollution by unreasonably affecting these beneficial uses.

The Upper Sacramento River originates from water flowing off Mount Shasta to the north and from the Klamath Mountains to the west. The River flows south for approximately 40 miles, is joined by numerous tributary streams, and empties into Lake Shasta above Shasta Dam. Flows near the City of Mt. Shasta are regulated by the 430-acre Lake Siskiyou Reservoir built in 1968 for power production and recreation. This watershed also supports extensive timber resources on both public and private lands. The Sacramento River is one of California's premier wild trout waters.

Located in the upper watershed, the 26-acre foot Box Canyon Dam/Siskiyou Reservoir is operated by Siskiyou County for hydropower generation and recreation. Local communities capture spring water for domestic supply. There are no defined groundwater basins in this watershed, however, individual domestic wells are located throughout the region, and larger wells supply water to bottling plants in the cities of Mt. Shasta and Dunsmuir.

Discharges in excess of receiving water and groundwater limitations reaching these waters cause prohibited pollution by unreasonably affecting their beneficial uses. NPDES Permit No. CA0078051, Section V. Receiving Water Limitations, A. Surface Water Limitations, provides "discharge shall not cause the following in the Sacramento River:..."and continues on to list 17 prohibitions. River Watch finds insufficient information in the public record demonstrating the Discharger has monitored for and complied with these receiving water standards. River Watch is understandably concerned regarding the effects of discharges to beneficial uses applicable to the Sacramento River and its tributaries, and the effects of both surface and underground SSOs on critical habitat in and around this diverse and sensitive ecosystem.

3. The Person or Persons Responsible for the Alleged Violation

The entity responsible for the alleged violations identified in this Notice is the City of Mt. Shasta and those of its employees responsible for compliance with the CWA and with any applicable state and federal regulations and permits.

4. The Location of the Alleged Violation

The location or locations of the various violations alleged in this Notice are identified in records created and/or maintained by or for the Discharger which relate to its ownership and operation of the Facility and associated sewer collection system, as further described in this Notice.

The City of Mt. Shasta is located approximately 9 miles southwest of the summit of Mount Shasta volcano, 3,600 feet above sea level. Rising 14,179 feet, Mount Shasta is the second highest volcano in the continental United States and a prominent landmark along the historic Siskiyou Trail. The population of the City of Mt. Shasta was 3,394 in the 2000 census.

A. Sanitary Sewer System

Order No. R5-2012-0086 contained effluent limitations on the discharges from the Discharger's sanitary sewer system to the Sacramento River which required advanced-secondary treatment throughout the spring, fall, and winter discharge periods; however, interim effluent limits and accompanying compliance schedules were provided in the NPDES Permit which allowed for effluent requiring only secondary treatment to be discharged during the winter period, which is considered to be November 16 through April 14. Surface water discharge during the summer months is prohibited.

B. Facility

The Facility is located approximately 2 miles south of the City of Mt. Shasta on the west side of Interstate 5, adjacent to the Sacramento River immediately downstream of Box Canyon Dam and Lake Siskiyou. The Facility discharges wastewater to the Sacramento River within the upper Sacramento Hydrologic Unit, Mount Shasta Hydrologic Area, Box Canyon Hydrologic Subarea.

Wastewater influent is primarily domestic. The design average daily dry weather flow capacity of the Facility is 0.8 million gallons per day (mgd). The peak wet weather flow capacity of the Facility is 2.1 mgd based on secondary treatment only. The Facility's current average daily dry weather flow is 0.57 mgd and the average peak wet weather flow is 1.91 mgd. The highest peak wet weather flow was recorded on February 9, 2017 at 2.61 mgd.

Treated wastewater can be discharged to any of 3 locations depending on water quality and time of year: the Sacramento River, a leach field located adjacent to highway 89, or the Mt. Shasta Resort Golf Course.

The outfall to the Sacramento River is located at the base of a steep canyon approximately 200 feet below the elevation of the Facility. Treated effluent is discharged from the Facility through a combination 15-inch and 10-inch diameter gravity outfall pipeline to an energy dissipater. The angle of entry to the River is approximately 30 degrees. Effluent is discharged to the River through a multiport diffuser. Treated municipal wastewater is discharged at Discharge Point No. 001 to the Sacramento River at a point latitude 41° 16' 35.18" N and longitude 122° 19'6.98" W. The discharge is approximately 0.6 miles downstream of Box Canyon Dam.

Order R5-2012-0086 required the Discharger to submit a work plan and repair the outfall and diffuser deficiencies by November of 2017. Although that work plan was submitted, to date the repairs to the outfall pipeline and diffuser have not been completed. It is the understanding of River Watch that the Discharger does not expect these repairs to be completed until approximately 2021 due to the funding time frames associated with other upgrade projects for the Facility.

Land disposal of discharges is to a 42-acre leachfield located on United States Forest Service property and located approximately 3 miles east of the Facility and the Sacramento River. The leachfield has a design average dry weather flow of 0.7 mgd. The disposal area consists of 2 intermittent leachfields with a total of 20,000 lineal feet of percolation trenches, varying from 8 to 12 feet in depth, with perforated leach pipe generally installed at a depth of 5 feet. A series of splitter boxes allows distribution of flow

evenly through the field and to alternate loading and rest periods. As required by Order No. R5-2012-0086, the Discharger completed a Leachfield Design Evaluation in February of 2014 concluding that the soils and geologic materials underlying the leachfield site would not provide any further treatment to the effluent beyond that which it receives at the Facility. Treated municipal wastewater is discharged at Discharge Point No. 002, a land discharge to the leachfield south of Highway 89 at latitude 41° 17' 8.34" N and longitude 122° 16' 24.65" W.

Aside from sludge buildup over time in the lagoons and the material skimmed from the dissolved air floatation thickener unit, the Facility does not generate or handle solids other than what is removed manually from the headworks. An estimated 15 cubic yards of debris is removed from the headworks annually. Solids are hauled to a disposal site in Oregon. In 2016, the Discharger hauled approximately 90 tons of material pulled from the algae ponds to Heard Farms in Roseburg, Oregon.

Pursuant to an Agreement with the owner of Mt. Shasta Resort Golf Course, treated municipal wastewater from the Facility is provided to the golf course for irrigation, discharged at Discharge Point No. 003, a recycled water discharge, to the golf course at latitude 41° 16' 59.16" N and longitude 122 ° 19' 7.80" W.

5. Reasonable Range of Dates During Which the Alleged Activity Occurred

The range of dates covered by this Notice is May 01, 2014 through May 01, 2019. This Notice also includes all violations of the CWA by the Discharger which occur during and after this Notice period up to and including the time of trial.

6. The Full Name, Address, and Telephone Number of the Person Giving Notice

The entity giving notice is California River Watch, referred to throughout this notice as "River Watch," an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California with headquarters and main office located in Sebastopol. Its mailing address is 290 South Main Street, #817, Sebastopol, CA 95472. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and groundwaters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications should be directed to counsel identified below:

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RECOMMENDED REMEDIAL MEASURES

River Watch looks forward to meeting with Discharger's staff to tailor remedial measures to the specific operation of the Facility and associated sewage collection system.

CONCLUSION

The violations set forth in this Notice affect the health and enjoyment of members of River Watch who reside and recreate in the affected community and may use the affected watershed for recreation, fishing, horseback riding, hiking, photography or nature walks. Their health, use and enjoyment of this natural resource is specifically impaired by the Discharger's alleged violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person", including a governmental instrumentality or agency, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), 33 U.S.C. § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to $54,833.00 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the "citizen suit" provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** "notice period" to promote resolution of disputes. River Watch strongly encourages the Discharger to contact counsel for River Watch within **20 days** after receipt of this Notice to initiate a discussion regarding the allegations detailed herein. In the absence of productive discussions to resolve this dispute, River Watch will have cause to file a citizen's suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,

Jack Silver

JS:lm

Service List

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